

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7459**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY ALLEN BAILEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Charlotte. Graham C. Mullen,  
Senior District Judge. (3:94-cr-00111-GCM-28)

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Submitted: November 19, 2009

Decided: December 3, 2009

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Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jerry Allen Bailey, Appellant Pro Se. Amy Elizabeth Ray,  
Assistant United States Attorney, Asheville, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Allen Bailey appeals the district court's order denying his motion for sentence reduction under 18 U.S.C. § 3582(c)(2) (2006). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Bailey, No. 3:94-cr-00111-GCM-28 (W.D.N.C. July 27, 2009). We deny Bailey's motion to appoint counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED